

July 20, 2017

Present: Richard and Kari Sray

Owner/Representative Comments:

- They plan to add onto the back of the Ranch house on the main level of the house, not onto the walk-out basement. The 6-foot addition will be on piers and run the whole length of the house.
- The whole roof will be taken off and roof will be raised. The pitch on the front of the house will be changed. Pitch on the back will be the longer.
- The interior living space will be a master bedroom, great room and dining room. No plumbing or bathroom involved. The whole house will be re-sided. The porch on the front will be re-done.
- Professional photographs of the front and rear from the realtor were shown and described. This is their 4<sup>th</sup> renovation. They use natural earth-tone colors. [Samples shown.]
- There will be cultured stone on the front of the house including the garage. The color will be Chardonnay. The Timberline shingles on the roof are mission brown and vinyl siding on the sides and the rear.

(Tyler) Will you carry any of the stone around to the sides of the house? *No, just on the front.*

(Lillich) We ask that you return the stone about 12 inches on each side. *We have not met with the stone mason yet. Do you recommend that?* The City normally asks it on new construction. *That sounds like a good idea.*

(Tyler) Architecturally, it looks much better.

- There will be an Azek composite deck on the front and on the back of the house. In the front it will run 20 feet from the front entry way to the garage.
- Siding: They considered cedar shake. The color is on back order. [Similar color shown.] Now, they are considering vinyl siding because of wrapping the stone. *(Lillich) It will fit with your setting.*

(Smith) What color is the trim? *A complementary color lighter than the siding. No decision yet. Color of the Anderson casement windows on the back will be Sandstone Exterior. Fascia, gutters and windows will all be a very similar in tone.* What color are the columns supporting the deck over the walk-out basement? *There will be a steel beam going the length in the back with steel columns with composite wood trim will be stained to match the trim color or match Azek deck in the back.*

(R. Sray) Who do we tell about the color?

(Smith) Give the exact information to the Building Department.

City Engineer's Comments (DiFranco):

No Comments

Board Comments

No further comments.

**MOTION:** Michael Tyler moved to approve the Addition at 36900 Skyline Drive with the condition that the stone is wrapped 18-24 inches around the corners on each side as well as notifying the Building Department with the exact color used prior to building.  
Seconded by Jon Irvine  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 7/0**

## **PLANNING COMMISSION**

### **Public Portion opened at 7:15 PM**

No Comments

### **Public Portion closed at 7:15 PM**

#### **1.) Bishop Checkmate**

Agent/Contractor: N/A

Shoppes at Willoughby Hills, Unit 10 (former Sam's Club) – Dino Expedition – 31-A-008-0-00-024-0

Plans received in Building Department 7/19/17

Plans reviewed by the City Engineer 7/20/17

**Present:** Eric Rivchun (represents ownership), Zachary Sogoloff (Goodman Real Estate Group) and Seth Marks. By conference call, Harding MacDona (representative of Nassim Issa who is owner of exhibit based in Lansing Michigan).

#### **City Engineer's Comments (DiFranco):**

Copies of the Engineer's report dated July 20, 2017 were distributed to Board and applicant. In the Board packets was information submitted by the applicant on July 19, 2017 via email.

This is a new request to the Planning Commission and the City Engineer. This is being reviewed because the use is changing from Retail to Indoor Recreation. Indoor Recreation is considered a Conditional Use so it requires Planning Commission approval.

The applicant is requesting Zoning approval, including a Conditional Use Certificate from the City for a change in Use at this property so a commercial Certificate of Occupancy can be applied for at the Lake County Building Department, per WHCO 1115 & 1331.03.

This building has been vacant since 2009. It was last used as a retail store, which is a Permitted Use per WHCO 1137.02. The applicant proposes to operate a 'Dinosaur Experience' on weekends during a limited time frame. According to the operator's website ([www.trexplant.com](http://www.trexplant.com)), an admission is charged to enter the experience for a basic experience, with additional charges collected for various other experiences. Based on information from the website, this most closely represents a Commercial Recreation, Indoor Use, which is considered a Conditional Use per WHCO 1137.02. Due to the proposed change in use from Permitted to Conditional, Planning & Zoning Commission approval is required per WHCO 1147.

The Zoning Administrator recommends postponing action on this application until the following complete information is provided, and conditions addressed, so an accurate review can be performed. Providing this information piecemeal in phone calls, email, or website is not an acceptable format. A formal application must be submitted

1. The applicant needs to write a letter addressed to the Zoning Administrator requesting zoning approval including the following information:

- a. Name and contact information for the property owner.
- b. Name and contact information for the proposed business and tenant.
- c. Detailed description of the proposed business and property use including but not limited to hours of operation, number of employees, type of activities planned, any outdoor storage, waste management plan and any other unique information related to the proposed use.
- d. Any alterations that have been performed, or are planned, since the last use in 2009, including but not limited to the building fire protection, HVAC, electrical or plumbing systems.
- e. Any proposed exterior signage, site lighting or site landscaping modifications.

All of the code references are listed on the 7/20/17 Report.

2. A detailed floor plan of the proposed occupancy, accurately drawn to scale, showing the following:
  - a. Limits of the space to be occupied in the dimensions and square footage(s).
  - b. Locations of proposed walls and other barriers.
  - c. Layout of proposed major furniture, fixtures, equipment, exhibits and how they relate to required means of ingress and egress,
  - d. Exit doors, emergency exits, emergency lights, hallway lights, hallways, restrooms, etc.
  - e. List the number of employees and customers (occupant load) on the plan.
  - f. Location of fire sprinklers and alarms.

3. A site plan showing exterior doors, drive aisles, fire lanes, required parking spaces including ADA accessible spaces.

Please note, the parking requirement for this proposed Conditional Use appears to be most similar to a Skating Rink, which is 1 space per 100 square feet of floor area. This is 2.5 times greater than the previous Permitted Use as a Retail Store.

Therefore, the square footage of the proposed occupancy, which was not provided in the application received on 7/19/17, is required to compute the required parking.

4. After discussion with the WH Fire Department, an inspection of the fire protection system shall be performed and approved by the Willoughby Hills Fire Department prior to zoning approval being granted. Due to the length of time the building has been vacant the inspection may include but not limited to alarm testing, flow testing, confirmation of exist signage and lighting, and confirmation that no alterations have been made to the system since last occupation.

5. Repair or replace broken or missing ceiling and lighting fixtures near building main entrance (Photos attached to 7/20/17 Report).

6. Confirm property owner's permission with notarized letter of authorization or attendance at PCABR meeting.

7. An admission tax of six percent (6%) shall be collected and submitted to the City Finance Director for each admission ticket sold.

8. Any Mechanical Amusement Devices and Game Rooms require a license issued by the Director of Public Safety, and are subject to requirements for liability insurance, toilet facilities, proper supervision, hours of operation, and license fees. (Code 753)

9. All applicable City fees shall be paid prior to a zoning certificate being issued, including but not limited to Fire Department fees and the Zoning Permit fee of \$2.00 per 100 square feet. Based on the area provided on the application submitted (147,000 sf), which is assumed to be a mistake, the zoning permit fee would be \$2,940.

Owner/Representative Comments:

(Rivchun) We are doing a lot with the shopping center. We are re-stripping the parking lot again, painting the outside of the building, taking care of lights. There is nothing we are not going to do or we have not come for plans to make this happen. This particular opportunity came 2 days ago. We thank everyone for this opportunity to address the issues. All the plans that have been submitted were emailed to the Mayor yesterday [7/19/17]. It is a very large packet that shows where all the sprinklers are and the interior space. We took it over at the end of 2016. We have assessed the building architecturally and structurally. There are no roof leaks. Problems have been addressed. We are in the middle of a 5 million dollar renovation. Mr. Sogoloff represents the real estate group that negotiates with the tenant. They will probably use 30,000 feet. The prospective tenants are operators currently in

Lansing. In 2 weeks they will open at the former Macy's in Chapel Hill, Akron. The Shoppes of Willoughby Hills is 55 miles away. They want to use their marketing money. We want to bring life to the Shoppes. We will address every issue. If this is not going to work, we do not need the fire drill. We believe that it can work.

(Sogoloff) T-Rex Planet came to us 3 days ago. They are looking for sites in NE Ohio. They run a Dinosaur amusement temporary-use. What they do is described on their website ([www.trexplanet.com](http://www.trexplanet.com)). In the brochure from website is a list of things they offer. They will operate Saturday 10-9 and Sunday 10-7, with the option of opening on Fridays 10-9 depending on traffic flow after the 1<sup>st</sup> weekend. They will run 3-4 weekends in the space, if permitted. They would like to open on August 5<sup>th</sup> with set up on July 25<sup>th</sup>. They will pack up their show in Lansing and come here. They spend \$50-60,000 on TV and radio advertising for the property. Shoppes of Willoughby Hills will be named in the advertising integral to the continued improvements that the owner has been making on the property. They anticipate bringing 2-3000 people to the property over the weekend. We have the parking available with the closed stores in the shopping center. Admission generally starts at \$20 the first week and they slowly bring it down over the 4 weeks. The last week is generally \$12. The demand and pre-sales determine pricing. No food is sold on the premises. They sell toys and tee shirts.

It is an exciting opportunity to bring 2-3000 people to the shopping district. It will be a boost to the restaurants, gas stations and other businesses in the City. It is non-traditional. We do not usually act in this quick a manner but they gave us the opportunity. We wanted to let the City have a part in the decision with us.

(Rivchun) Mr. Sogoloff and Mr. Marks represent many tenants we are working on to transform the Shoppes of Willoughby Hills. We consider this entry level good marketing. Your list is long; we will address every issue.

Board Comments:

(Tyler) This Dino Experience has been in many cities? How many children have been injured on the sites? *I have no information on that. The owner of the concept is in Lansing. He could not join us tonight. That is a big issue. I need to know that. We are very open to conversing with the Fire Department. They shared with us that they have operated in almost every major city in the U.S. in malls, major shopping centers and taken over vacant department stores. That action can be provided. I would like to see it before considering this.*

(Hallum) What is the time frame? *They want to start setting up on July 27<sup>th</sup>. If you could react quickly, we appreciate it. The economics of this opportunity does not stimulate us. We are interesting in the advertising they offer and the traffic they bring are why we are interested in the opportunity. So it is July 27<sup>th</sup> through 4 weekends in August? If business is soft, it may be 3 weekends. If they are going strong, they might ask to do Fridays, 4-9:00 pm.*

(Smith) You have known about Chapel Hill for some time and have gone through their process. If you were planning to do this in August, why did you first apply yesterday?

*We do not represent the tenant. I (Sogoloff) represent the shopping centers. I am on the City's side for bringing new business to this market. The tenant uses a consultant that we have had multiple dialogues with. They felt they might get more bang for their advertising buck if they did 2 sites at the same time.*

The marketing plan was to find 2 locations so they could maximize their radio and television?

*That was the broker's fault. They will continue working until the last day and they can't any more. If this doesn't work, they will just do Chapel Hill. We do not control that. We thought it would be a good opportunity. I know this comes as a nuisance.*

We need to be certain we are doing all of our protocols. The City Engineer recommends postponing it for 2 weeks which will not work well for your time schedule.

(Rivchun) *We will try not to ask for anything this quickly again. We apologize for that.*

We have the option of doing an approval of the Planning commission conditioned upon submitting satisfying the City Engineer's requirements prior to occupying the space.

*We intend to satisfy the City Engineer's issues.*

Do you think you can get all that done in 7 days?

*I have never done this this quickly before. We will give it our best because we look at this as an opportunity. We would be doing this for no money. We would not want anything negative to happen that would stigma the Shoppes of Willoughby Hills. If we get blindsided because of this 128 page report we are unaware of something that exists, we won't do it. I think we can address all of the issues assuming everything there was done for a good reason to make sure that we have these plans so that when these unique situations come up. This is all about marketing. We did not know about this whole list. We will show it to our team. If it can get done, it will be our pleasure.*

(DiFranco) This may help you decide. The 200 pages you submitted is not something we can review. This is leasing information. We are looking for architectural drawings. The Fire Department said they could not look at this. It has to go to the Lake County Building Department. They will also say it is not good enough. We need dimension drawings with the information listed done within a week.

(Tyler) Have you looked into insurance? That is necessary to protect our people.

*They have a certificate of liability. We are concerned as landlords. We want more than what is on this sheet but that is what they offered for the Lansing deal.*

(Weger) When we did the color run from the parking lot of Sam's Club, it brought 10,000 people into the City over a 3-4 day event. They set up a stage. Streets were closed. It was really unique in the area. It took 10-12 weeks to plan.

(Smith) The prerogative of this Board is to gauge whether a Conditional Use was appropriate. It is a temporary use so the economic opportunity is a positive thing for the City. If we were to issue an approval conditional upon satisfying the City Engineer's requirements, that is as far as we can go. Then you need to satisfy the requirements.

(Weger) You would also need to fulfill the Fire Department and the Lake County Building Department because Willoughby Hills does not do the commercial permit.

(Rivchun) A fireman called me today. I said we would be at the property tomorrow morning at 10:30 if it would save time. We did not know that your list made it an impossibility. Otherwise, we would have told the tenant it was impossible. But he would like to bring the activity here.

(Smith) You still need to follow the Code.

(Lillich) I would like it also but it has to be done a certain way.

(Rivchun) Based on that, I will show it to my partner and we will have our team look at it tomorrow.

(Cihula) Part of the Conditional Use permitting procedure requires mailing a notice to all property owners within 500 feet 14 days before a Public Hearing on the Conditional Use permitting according to Section 1115.06 of the Code.

(Lillich) The Code does not differentiate between long term and short time use.

(Rivchun) Maybe they will want to open in September or move the Chapel Hill date. Do we come back in September?

(Cihula) It is a Public Hearing 14 days after mailing the notice. The meeting date would be after the 14 days.

(DiFranco) It is 500 feet from the perimeter of the property.

(Smith) I do not think we can make a motion before it goes to a Public Hearing. We can postpone while the letter is issued. The next meeting is August 17<sup>th</sup> is more than 14 days away.

(DiFranco) I agree with you.

(Applicant) This building is very well positioned for these temporary events. We would like to bring other events. We know how this works for future use.

(Lillich) Could we call a special meeting for a Public Hearing?

(Weger) That would speed things up.

(Applicant) Most of what we do is cross marketing.

(Smith) You would contact the Building Department clerk to start the process.

(Applicant) Wait for us to confer with our client, Nasim Issa, the owner of exhibit, operates out of Lansing. His representative is available by phone.

Live Conference phone call with Mr. Harding MacDona, (representative for the owner, Harim Issa) with the conversation on speaker to include the Board and other appellants. Safety concerns and the company track record? They are very safety minded. They always have a Fire Marshall inspection. We always follow suggestions of the Fire Marshall's inspection.

- Scheduling. Chapel Hill and Willoughby Hills must be at the same time. Chapel Hill schedule and date are not yet fixed. He is concerned about waiting for 2 weeks to schedule Willoughby Hills and not get an answer or approval. There are no commitments but this discussion is positive.
- Marketing: Both will be advertised at the same time.
- Portion of the 155,000 sq. ft. building to be used: About one-third of building (40-50,000 sq. ft.) would be occupied for public use.
- 6% tax on every ticket sold: They will plan for the tax and a license.
- Chapter 753 of the City Code regarding licensing of mechanical amusement devices and the fees, insurance and requirements. Information will be given to Mr. Sogoloff and to Mr. Issa (by email) for close review at the suggestion of City Engineer DiFranco.
- Project involves a Change in Use: Public Hearing with requirement of notification of residents within 500 feet 2 weeks in advance explained by Chairman Smith before a Conditional Use permit can be approved. It is a procedure that must be followed. If the letters are mailed as soon as possible and if the Planning Commission holds a special meeting for the Hearing, there could be a Public Hearing within 3 weeks. The vote would be during a regular meeting on August 17<sup>th</sup>.
- Owner should be present at the next meeting.
- Owner has 2 shows: Sometimes they work in the same market. Sometimes they work in separate advertising markets. They each require 40,000 feet and above to set up correctly. He has been involved with shows since 2015. Mr. Issa's representative, Harding Macdona has been doing his marketing since Fall, 2015.

End of Conference Call.

(Smith) Applicants can work on this with City Engineer. They should contact Building Department clerk tomorrow regarding moving forward with the Public Hearing

(Rivchun) Is it reasonable to get this volume of work done in the next few weeks? How long is realistic?

(DiFranco) About 2 weeks including Lake County.

(Smith) Dino's drawings must be done and submitted.

(DiFranco) You could try to get all your fire and building inspections and approvals done prior to the Public Hearing. For the fire inspections, you will need a mechanical contractor to open valves. You need a contractor. (Rivchun) *We have that 'in house'.* We like architectural drawings drawn by an architect for the designated space to be used, including location of fire exits, restrooms and exhibits laid out. *They should have site planners on hand.*

(Tyler) Thank you for asking about the safety record. That has to be answered.

(Smith) We try to have our Public Hearings on the same night as the Planning Commission. If you don't think you could get everything done in 2 weeks, we could advertise the Public Hearing on the 17<sup>th</sup>.

(Rivchun) We could get it done in next 2 weeks. We will 'sleep on it'. We are willing to take that risk because it will help have the place ready for other people in the future.

(Weger) 3 weeks is August 10<sup>th</sup>. We could have the Public Hearing.

We could get it done in next 2 weeks. We will 'sleep on it'. We are willing to take that risk because it will help have the place ready for other people in the future.

(Rivchun) The Planning Commission meets August 17<sup>th</sup>. By August 18<sup>th</sup> we would be ready. Sogoloff will work with Chapel Hill. Mr. MacDona (rep. for Issa) wants both venues because it is better for the marketing dollars. They are 55 miles apart but in the same marketing area. We want the publicity for the Shoppes of Willoughby Hills.

(Smith) The Public Hearing is for the public to hear what the Conditional Use is. If the plans are not ready or the reviews are not completed, the Public Hearing would still be held. If the applicant decides to go forward, contact the Building Department Clerk tomorrow. She would notify the PCABR Clerk who would get the letters out as soon as possible. The applicant will get a copy of the letter with the date and time of the hearing.

(Rivchun) We will make sure they know how hard everyone is working on this.

(Cihula) We need plans to show the public at the hearing.

(Smith) We have enough for a hearing.

(DiFranco) Everything proposed is inside the building except the parking.

(Tyler) We commend the City Engineer on his quick turn-around for his review.

**MOTION:** John Lillich moved to postpone consideration of the Dino Expedition project at the Shoppes at Willoughby Hills, Unit 10 (former Sam's Club) to the next meeting to allow the applicants time to make their decision and inform the Planning Commission whether they will proceed with a Public Hearing.

Seconded by Michael Tyler

Voice Vote: Ayes Unanimous.

**Motion Passes: 7/0**

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

None

#### MAYOR'S REPORT

- We have a new acting Fire Chief Talcott. He has been on board a couple days.
- The Building Commissioner is almost here. Mayor will ask for confirmation at the Council meeting next week.

#### COUNCIL REPRESENTATIVE'S REPORT (Biro)

The meeting of the Planning & Zoning Committee of Council discussed horses and the amount of area for housing of horses, and related issues. There was open discussion by the residents. Mr. Hallum will call the next meeting. We appreciate the time spent by the residents and this Board.

#### BUILDING COMMISSIONER'S REPORT

None

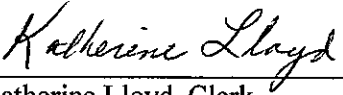
#### CHAIRMAN'S REPORT

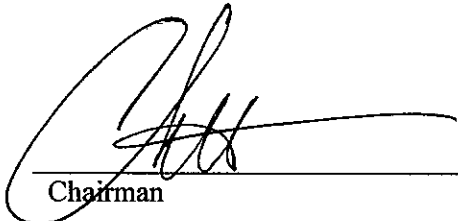
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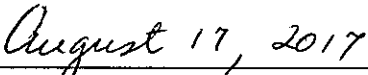


**MOTION:** John Lillich moved to adjourn the meeting.  
Seconded by Michael Tyler  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 7/0**

Meeting Adjourned at 8:10 P.M.

  
\_\_\_\_\_  
Katherine Lloyd, Clerk

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Date Approved